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In the
Supreme Court of the United States
OCTOBER TERM, 1943

No. 447

WALTER B. JOHNSON, T. R. HUSTED, B. A. WEST, CHARLES RIGGS, GEORGE GOFF, MIKE McGREW, LEWIS KOLB, J. M. GENTRY AND IVAN KENNEDY,

Petitioners,

vs.

YELLOW CAB TRANSIT COMPANY, *a Corporation,*

Respondent.

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October, 1943.

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INDEX

	PAGE
Petition for Writ of Certiorari	1-11
Prayer	2
Summary Statement of Matters Involved	2
Statement of Basis of Jurisdiction	8
Questions Presented	8
Reasons Relied Upon for the Allowance of the Writ	9
Authority:	
49 Stat. 1938, 40 U. S. C. A., Sec. 290	3
50 Stat. 1059, 4 U. S. C. A., Secs. 13 and 14	3
34 Stat. at L. 267	2
31 Stat. at L. 676, Chapter 813, Section 6	2
54 Stat. at L. 234, 18 U. S. C. A., Sec. 468	6
37 O. S. 1941, Sec. 1	5
Chapter 16, Session Laws 1939, 37 O. S., Secs. 41-48	4
Section 1, Chapter 13, Oklahoma Session Laws 1927, 37 O. S. 1941, Sec. 6	5, 6
Section 1, Chapter 186, Oklahoma Session Laws 1917, 37 O. S. 1941, Sec. 38	6
Section 4, Chapter 153, Oklahoma Session Laws 1933, 37 O. S. 1941, Sec. 31	5
Sections 31 and 38, Title 37, Oklahoma Statutes 1941	10
10 U. S. C. A., Sec. 1350, 31 Stat. 758	6

Brief in Support of Petition for Writ of Certiorari 13-22

Opinions 13

PAGE

Facts 13

Jurisdiction 14

Authority:

Section 240 (a) of the Judicial Code as Amended by Act of Feb. 13, 1925, c. 229 (43 Stat. 938; 28 U. S. C. A., Sec. 347) 14

Argument 14

Are Fort Sill Military Reservation and these other Federal areas parts of the State of Oklahoma? 15

Authority:

Collins v. Yosemite Park and Curry Co., 304 U. S. 518, 82 L. ed. 1502 16

Fort Leavenworth Ry. Co. v. Lowe, 114 U. S. 525, 29 L. ed. 264 ..... 15, 16

Ottinger Bros. et al. v. Clark et al., 121 Pac. (2d) 94 (Okla.) 16

St. Louis-San Francisco Ry. Co. v. Satterfield, 27 Fed. (2d) 586 15

Laws 1913, Chapter 52 (Oklahoma) 16

26 Stat. at L. 81 (Organic Act) 15

Are Fort Sill Military Reservation and the other Federal areas "states" within the Interstate Commerce Clause of the Federal Constitution? 16

Authority:

Grayburg Oil Co. v. State, 296 S. W. 489 (Tex. Ct. Civ. App.), Affirmed 3 S. W. (2d) 423 (278 U. S. 582, 73 L. ed. 519) 17

Panhandle Oil Company v. Mississippi, 277 U. S. 218, 72 L. ed. 857 17

Article 1, Section 8, Clause 3 (Interstate Commerce Clause) 17

The Circuit Court decided important questions of local law and construed local statutes in a way in probable conflict with applicable local decisions 18

PAGE

Authority:

Barnett v. State,
31 Okla. Cr. 413, 239 Pac. 680 19

Barnett v. State,
71 Okla. Cr. 118, 109 Pac. (2d) 243 18

Ex parte Wilson,
6 Okla. Cr. 451, 119 Pac. 596 18

Huff v. State,
9 Okla. Cr. 675, 133 Pac. 265 19

Jentho v. State,
19 Okla. Cr. 434, 200 Pac. 251 19

Morse v. State,
63 Okla. Cr. 445, 77 Pac. (2d) 575 18

Walker v. State,
18 Okla. Cr. 661, 197 Pac. 520 18

Assimilative Crimes Act, 18 U. S. C. A., Sec. 468 20

Chapter 16, Session Laws 1939, 37 O. S. 1941,
Secs. 41-48 21

Section 1, Chapter 186, Oklahoma Session Laws 1917,
37 O. S. 1941, Sec. 39 18

Section 2, Chapter 163, Oklahoma Session Laws 1933,
37 O. S. 1941, Sec. 1 19

Section 4, Chapter 153, Oklahoma Session Laws 1933,
37 O. S. 1941, Sec. 31 17

10 U. S. C. A. 1350 ..... 20, 21

Conclusion 22

Appendix

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Petitioners,

vs.

YELLOW CAB TRANSIT COMPANY, *a Corporation,*

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE TENTH CIRCUIT AND BRIEF IN SUPPORT THEREOF

To the Honorable, the Chief Justice and the Associate Justices of the Supreme Court of the United States.

I.

PRAYER

The petitioners, Walter B. Johnson, T. R. Husted, B. A. West, Charles Riggs, George Goff, Mike McGrew, Lewis Kolb, J. M. Gentry and Ivan Kennedy, pray that a writ of certiorari issue to review the judgment entered July 26, 1943, in the United States Circuit Court of Appeals for the Tenth Circuit (R. 54) in the above entitled cause.

II.

SUMMARY STATEMENT OF MATTERS INVOLVED

Primarily this case involves 225 cases of liquor. But the issues are incomparably more far-reaching and important.

The lands constituting the Fort Sill Military Reservation constituted a portion of the territory acquired from France in 1803 and known as the Louisiana Purchase. The military post was established at its present location in 1869, which was long prior to the establishment of the State of Oklahoma. Title to the lands constituting the reservation was effected in the United States through agreement with the Comanche, Kiowa and Apache Indians approved by Congress June 6, 1900 (31 Stat. at L., p. 676, Chapter 813, Section 6). No reference to the reservation was contained in the Organic Act providing for the establishment of Oklahoma Territory, or the Enabling Act (34 Stat. at L. 267), authorizing admission of the State of Oklahoma, consisting of Oklahoma and Indian Territories. These lands were en-

tirely within the boundaries of Oklahoma Territory and the State of Oklahoma. In 1913 the State Legislature ceded to the United States "exclusive jurisdiction" over said lands with certain reservations of the right of taxation and service of process, and the further provision that such cession should be effective only so long as the lands should be used by the United States for military purposes. By subsequent Congressional enactments (49 Stat. 1938, 40 U. S. C. A., § 290, and 54 Stat. 1059, 4 U. S. C. A., §§ 13 and 14), the State was vested with jurisdiction to apply its laws relating to workmen's compensation and income, sales and use taxes.

The F. A. S. Officers' Club is composed of Army officers stationed at the Fort Sill Military Reservation. The club is managed by a secretary, who is an Army officer in active service.

Prior to October 24, 1942, a number of officers stationed at the post gave to the club secretary written orders for varying quantities of intoxicating liquors, designating the brand and quantity desired, and accompanied by check or money to pay for such liquor. The secretary, acting for these officers, assembled, tabulated, totaled and telephoned these orders to M. B. Gintz Company at East St. Louis, Illinois. On October 24, the Gintz Company delivered to Yellow Cab Transit Company at East St. Louis 225 cases of intoxicating liquors, which it consigned to F. A. S. Officers' Club Mess at the Reservation.

While the shipment was in transit, but temporarily stopped at the terminal and dock of the transit company in

Oklahoma City, Oklahoma, it was seized by petitioners, as officers of the State of Oklahoma, and was transported to and placed in a vault in the county court house of Oklahoma County as an illegal shipment of intoxicating liquor subject to confiscation and destruction.

This action was commenced in the United States District Court for the Western District of Oklahoma by the Yellow Cab Transit Company against the said officers of the State of Oklahoma for a mandatory injunction requiring them to return the shipment to the transit company and refrain from interfering with its possession and transportation of such liquor. From a judgment granting the relief prayed for an appeal was taken to the United States Circuit Court of Appeals for the Tenth Circuit. On July 26, 1943, a judgment was entered by said court affirming the judgment of the District Court. Issuance of the mandate has been stayed by order of said Circuit Court, and the said shipment of liquor is still held by petitioners pending final disposition of this proceeding.

Ever since its admission into the Union the State of Oklahoma has, by constitutional provision and legislative acts, forbidden the manufacture, transportation and sale of intoxicating liquors.

In 1939 the Legislature passed an act (Chap. 16, Session Laws 1939, 37 O. S. 1941, §§ 41-48), relating to the importation and transportation of intoxicating liquor containing more than four per cent of alcohol by volume. Section 1 pro-

vides that it shall be unlawful to import or transport such liquors into the State of Oklahoma without a permit as subsequently provided in the act. Subsequent provisions authorized the issuance of permits for the importation of alcohol for pharmaceutical, scientific and mechanical purposes by druggists, scientific institutions and manufacturing agencies, and wine for sacramental use. All other importation of intoxicating liquor is absolutely prohibited. Sections 1 and 2 of said act are quoted in the Appendix hereto.

By the terms of the "Prohibition Ordinance" of the State Constitution, effective since statehood, and by statute (37 O. S. 1941, § 1), it is made unlawful:

> "to ship, or in any way convey, such liquor from one place within this state to another place therein except the conveyance of a lawful purchase as herein authorized; * * *."

The exception does not have reference to a purchase and shipment such as that involved in this case.

Section 4, Chapter 153, Oklahoma Session Laws 1933 (37 O. S. 1941, § 31), provides that:

> "It shall be unlawful for any person to have or keep in excess of one quart of spirituous, vinous, fermented or malt liquors, or any imitation thereof * * * which contain more than three and two-tenths (3.2%) per cent of alcohol, measured by weight, and which is capable of being used as a beverage * * * upon, in, or about his place of business, or any place of amusement, or recreation, or any public resort, or any club room, whether such liquor be intended for the personal use of the person so having and keeping the same or not; * * *."

Section 1, Chapter 13, Oklahoma Session Laws 1927 (37 O. S. 1941, § 6), makes it unlawful for any person:

"to directly or indirectly, keep or maintain by himself or by associating or combining with others, any club room or other place in which any liquor, the sale of which is prohibited by the laws of Oklahoma, is received, kept or stored, for the purpose of selling, bartering, giving away, or otherwise furnishing, or for distribution or division among members of any club or association by any means whatsoever, and any person who shall sell, barter, give away, or otherwise furnish, distribute or divide any such liquor so received, kept or stored, shall be guilty of a felony * * *."

Section 1, Chapter 186, Oklahoma Session Laws 1917 (37 O. S. 1941, § 38), provides that it shall be unlawful to receive any intoxicating liquor from a common or other carrier, and that its provisions shall apply to:

"such liquors intended for personal use, as well as otherwise, and to interstate as well as intrastate shipments or carriage."

10 U. S. C. A., § 1350 (31 Stat. 758), first enacted in 1899 and re-enacted with a slight amendment by the Act of February 2, 1901, has been and is the only Congressional Act relating to intoxicating liquors in such Reservation. Said section provides:

"The sale of or dealing in beer, wine or any intoxicating liquors by any person in any post exchange or canteen or Army transport or upon any premises used for military purposes by the United States, is prohibited. The Secretary of War is hereby directed to carry the provisions of this section into full force and effect."

By what is called the Assimilative Crimes Act, which has been in force for many years and was last re-enacted by the Act of June 6, 1940 (54 Stat. at L. 234; 18 U. S. C. A., § 468), Congress has adopted as Federal statutes within

such Federal areas the criminal statutes of the state in which the area is situated in the absence of any Federal statute relating thereto. We quote such act in the Appendix.

In the District Court the case was submitted upon an agreed statement of facts (R. 11-18). The District Court determined (R. bottom page 25) that the lands comprising the original Fort Sill Military Reservation were not within the boundaries of Oklahoma Territory; that (R. bottom page 26) said Reservation was never a part of or under the jurisdiction of the Territory or State of Oklahoma, except as such jurisdiction has been specifically ceded to the State by Congress.

The court did not consider the Assimilative Crimes statute or the above mentioned criminal statutes of the State and Federal government other than the 1939 act relating to importation of liquors into the State. The court concluded that (R. 35) the shipment of liquor in controversy was moving in interstate commerce at the time of the seizure; that the Military Reservation is under exclusive jurisdiction and dominion of the Federal government, and that the State has no jurisdiction over it except in limited respects where Congress has ceded same to the State; that the shipment was in transportation "through" the State of Oklahoma; that the shipment was lawfully moving in interstate commerce and not in violation of the laws of the State of Oklahoma and the United States, and the seizure of same was unlawful; that defendants in said action should be required to return

said shipment to plaintiff and enjoined from interfering with its delivery to its destination. A decree was entered accordingly (R. 36).

III.

STATEMENT OF BASIS OF JURISDICTION

We believe that this Court has and should exercise jurisdiction to review the judgment in question because of the following:

(1) The very great importance of the decision and issues involved.

(2) The Circuit Court of Appeals has decided important questions of local law in a way in conflict with applicable local decisions.

(3) Said court has decided an important question of Federal law which has not been, but should be, settled by this Court.

IV.

QUESTIONS PRESENTED

(1) Whether Fort Sill Military Reservation is a part of the State of Oklahoma or is entirely severed from the State and constitutes no part of the territory thereof though entirely within its boundaries.

(2) Whether Fort Sill Military Reservation is a "State" within the Interstate Commerce Clause of the United States Constitution.

(3) Whether the shipment of liquor involved in this case was moving in interstate commerce when seized by petitioners.

(4) Whether the possession and transportation of said shipment of intoxicating liquor constituted a violation of the laws of Oklahoma.

(5) Whether the possession and transportation of said shipment of intoxicating liquor into and in the Fort Sill Military Reservation would have constituted a violation of Federal statutes applicable thereto by Congressional enactment or adoption of State statutes.

(6) Whether the respondent herein, plaintiff in the District Court, is entitled to come into a court of equity and secure injunctive relief requiring the return of such shipment.

V.

REASONS RELIED UPON FOR THE ALLOWANCE OF THE WRIT

This decision involves and determines the rights and powers of Oklahoma and the other states in connection with the existence, not simply of this particular Reservation, but of all Federal areas and unappropriated public lands within the boundaries of the several states. If the decisions of the District Court and Circuit Court of Appeals should be sustained, Oklahoma and the other states are dotted with areas which are as separate and distinct as if they were entirely beyond the borders of the states in which they are located.

Oklahoma and the other dry states would be unable to protect themselves against shipments of liquor ordered by their own citizens, but consigned for delivery in any post office, national park, unappropriated tract of public land or other Federal area within the State. Commerce originating within the State, but moving into the Federal area, would be interstate. Marriages, many of which have already been performed within these areas, will be invalidated. The importance of these questions, the disastrous results which arise through a separation of these areas from the State, are of such importance that petitioners feel that this Court should take jurisdiction.

The court decided important questions of local law in a way in conflict with decisions of the State court. In the opinion (R. 44-45) the court treated as unconstitutional Sections 31 and 38, Title 37, Oklahoma Statutes 1941. These statutes have been cited and applied by the Criminal Court of Appeals of the State of Oklahoma without being held or treated as unconstitutional.

The court further held (R. 45) Section 1 of said Title 37, Oklahoma Statutes 1941, to be applicable only to intrastate transportation and to have no application to transportation from without the State into the State. The Criminal Court of Appeals of this State has applied the statute to liquor originating outside the State, but being transported within the State.

The Circuit Court of Appeals has decided important questions of Federal law which should be adjudicated by this

Court. The status of this and similar Federal areas, the question as to whether they constitute states within the Interstate Commerce Clause, and issues arising in connection therewith, should be settled by this Court. The court further held that this shipment of liquor and its delivery and distribution in the Reservation would not be violative of the Federal statutes. There is no decision of this Court upon the question.

For these reasons it is respectfully submitted that this petition should be granted.

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BRIEF IN SUPPORT OF PETITION

OPINIONS

One opinion was delivered by the District Court and was written by District Judge Edgar S. Vaught and filed December 24, 1942. It appears on pages 18 to 35 of the record and is reported in 48 Fed. Supp. 594. The opinion of the Circuit Court of Appeals (Circuit Judges Phillips, Bratton and Murrah, Judge Phillips writing, Judge Bratton writing a concurring opinion, Judge Murrah dissenting), was filed July 26, 1943, and appears at pages 40 to 46 of the record. Judge Bratton's concurring opinion begins on page 47, and Judge Murrah's dissenting opinion on page 49. The opinion is reported in 137 Fed. (2d) 274

FACTS

As already stated, this case has arisen through seizure by State officers at Oklahoma City of 225 cases of intoxicating liquor in transit to Fort Sill Military Reservation in the State of Oklahoma. The facts and issues are set forth in the petition.

JURISDICTION

The jurisdiction of this Court is invoked under Section 240 (a) of the Judicial Code, as amended by the Act of February 13, 1925, c. 229 (43 Stat. 938 [28 U. S. C. A., § 347]).

ARGUMENT

The issues involved are of very great importance not only to the State of Oklahoma, but to the states and people in other jurisdictions. If Federal areas, such as military reservations, naval bases, post offices, national parks, public lands, national defense projects, are to be held as entirely separate and foreign to the State within which they are located, such a situation with its many applications and disastrous results should at least not follow the decision of any court below the Supreme Court of the United States. This is further emphasized by the fact that the Judges of the Circuit Court of Appeals are not in accord. As an illustration of the seriousness of the matter, it is a fact of common knowledge that a large number of marriages have been performed in these areas. This has been done upon licenses issued pursuant to State statutes, and the ceremonies performed by chaplains, ministers or others authorized under State law. In Oklahoma, and many other states, such licenses have no validity outside of the county in which they are issued. Licenses issued by the court clerk at Lawton are valid only in Comanche County. If Fort Sill Military Res-

ervation, located in Comanche County, is no part thereof there exists no authority pursuant to which a marriage ceremony could be performed in the Reservation.

The exact status of these Federal areas has not been, but should be, determined by a decision of this Court. Several questions arise.

Are Fort Sill Military Reservation and these Other Federal areas parts of the State of Oklahoma?

The District Court started with a false premise. The court found (R. bottom page 25) that the lands comprising the original Fort Sill Military Reservation were not embraced within the boundaries of the Territory of Oklahoma, as established by the Act of Congress of May 2, 1890, 26 Stat. at L. 81, known as the Organic Act. This was entirely erroneous, the simple facts of geography being that the Reservation was entirely within the boundaries and not closer than 17 miles to the nearest one. From this premise the court reached the conclusion (R. bottom page 26) that such Reservation was never a part of or under the jurisdiction of the Territory or State of Oklahoma, except as specifically ceded to the State by Congress. This conclusion was directly contrary to the situation as recognized by the Circuit Court of Appeals of the Eighth Circuit in *St. Louis-San Francisco Ry. Co.* v. *Satterfield*, 27 Fed. (2d) 586, and to the holding of this Court with reference to Fort Leavenworth Military Reservation in the case of *Fort Leavenworth Ry.*

Co. v. *Lowe*, 114 U. S. 525, 29 L. ed. 264. The Reservation was clearly a part of the State of Oklahoma at the time of the enactment of the 1913 legislative act (Laws 1913, Chapter 52), ceding, with certain reservations, "exclusive jurisdiction" to the United States. The present status of the Reservation depends upon the construction given to said legislative act and the subsequent acts of Congress ceding back to the State jurisdiction to apply the State Workmen's Compensation Laws and Statutes relating to income, sales and use taxes.

The Oklahoma Supreme Court, in the case of *Ottinger Bros. et al.* v. *Clark et al.*, not yet officially reported, but found in 121 Pac. (2d) 94, has described the effect of the legislative act as "a mere suspension of State jurisdiction."

The decision of this Court in *Collins* v. *Yosemite Park and Curry Co.*, 304 U. S. 518, 82 L. ed. 1502, has been construed as supporting the contention that this Reservation is not a part of the State of Oklahoma. We believe this to be based upon a misconstruction and misapplication of the court's opinion. The question should be reviewed and settled by this Court.

Are Fort Sill Military Reservation and the other Federal areas "states" within the Interstate Commerce Clause of the Federal Constitution?

If the preceding question be answered in the affirmative this question loses its importance in so far as this case is concerned. If, however, such Federal areas are not parts

of Oklahoma the present question becomes important. The shipment was subject to seizure under the laws of Oklahoma unless it was traveling in interstate commerce, and, therefore, protected against the application of such laws. The mere fact that it had originated in Illinois and had crossed State lines prior to its seizure in Oklahoma would not give it such protection. Such interstate transportation must be a continuing fact at the time of seizure. The Interstate Commerce Clause (Article 1, Section 8, Clause 3), vests in Congress the power to regulate commerce "among the several states."

There is but one case in which this question has been decided. In *Grayburg Oil Co.* v. *State*, 296 S. W. 489 (no official report), the Texas Court of Civil Appeals held that a Military Reservation was not within the Interstate Commerce Clause. The case involved the right of the state to tax a shipment of gasoline from a refinery in Texas to Fort Sam Houston. The contention was made that it was an attempt to tax the Federal government or an agency or instrumentality thereof, and also an interference with interstate commerce. The state court held against both contentions. The decision was affirmed by the Commission of Appeals in an opinion reported in 3 S. W. (2d) 423. It was reversed in a memorandum opinion by this Court reported in 278 U. S. 582, 73 L. ed. 519, on the authority of *Panhandle Oil Company* v. *Mississippi*, 277 U. S. 218, 72 L. ed. 857, as an attempt to tax gasoline sold to the United States. This Court did not refer to the question of interstate commerce.

The Circuit Court decided important questions of local law and construed local statutes in a way in probable conflict with applicable local decisions.

In the petition (page 5) we have quoted the pertinent provisions of Section 4, Chapter 153, Oklahoma Session Laws 1933 (37 O. S. 1941, § 31), relating to the keeping of more than one quart of intoxicating liquor in a place of business, amusement, recreation or public resort or club room. The Circuit Court, in its opinion (R. 44), stated that this section had been held unconstitutional, and cited *Ex parte Wilson*, 6 Okla. Cr. 451, 119 Pac. 596. It is true that a similar section was in said opinion said to be unconstitutional. However, conditions have materially changed, the section which we have quoted was adopted in 1933 as a new act and has been cited by our Criminal Court of Appeals a number of times. *Morse* v. *State*, 63 Okla. Cr. 445, 77 Pac. (2d) 575; *Barnett* v. *State*, 71 Okla. Cr. 118, 109 Pac. (2d) 243. Its constitutionality has not been questioned.

We have also quoted in the petition (page 6) from Section 1, Chapter 186, Oklahoma Session Laws 1917 (37 O. S. 1941, § 39), making it unlawful to receive or possess any intoxicating liquor received from a common or other carrier. The opinion of the Circuit Court of Appeals (R. 45) treated this section as unconstitutional. In *Walker* v. *State*, 18 Okla. Cr. 661, 197 Pac. 520, the State Criminal Court of Appeals sustained a conviction for the violation of the provisions of this section. Its constitutionality was not questioned.

In its opinion (R. 45-46) the Circuit Court held that Section 2, Chapter 163, Oklahoma Session Laws 1933 (37 O. S. 1941, § 1), making it unlawful to ship or in any way convey intoxicating liquor from one place within this State to another place therein, had no application to transportation from without the State of Oklahoma into the State. This is in direct conflict with the construction and application of the statute by the State Criminal Court of Appeals. The State court has applied the statute regardless of the point of origin, the point of destination or the distance traveled. Movement from one point to another, even though neither point constitutes the origin or destination, is sufficient. In *Jentho* v. *State*, 19 Okla. Cr. 434, 200 Pac. 251, the court applied the statute to transportation of liquor originating in Texas and which had reached only a portion of the way across the bridge over Red River.

In *Huff* v. *State*, 9 Okla. Cr. 675, 133 Pac. 265, the said statute was applied to the transportation of liquor originating at Gainesville, Texas, and transported by defendant allegedly for distribution to a club of eight, each of whom had contributed a proportionate amount to pay for the liquor.

In *Barnett* v. *State*, 31 Okla. Cr. 413, 239 Pac. 680, the statute was held applicable even though the transportation might be for the purpose of personal use.

We feel that these statutes and the decisions of the State court construing them should not be lightly brushed aside, or the statutes held unconstitutional, and that the

matter is of such gravity as to entitle petitioners to have the matter reviewed by this Court.

By the Assimilative Crimes Act (18 U. S. C. A., § 468), which was last re-enacted June 6, 1940, it is provided that whoever, within the territorial limits of the State, within or upon any lands reserved or acquired for the use of the United States and under the exclusive jurisdiction and control thereof, shall do any act or thing which is not made penal by any act of Congress, but which if committed within the jurisdiction of the State, by the laws thereof in force on February 1, 1940, would be penal, shall be deemed guilty of a like offense and be subject to a like punishment. By virtue of said act the above criminal statutes of the State, together with other statutes relating to intoxicating liquor, were adopted as Federal statutes and made applicable as such within the Military Reservation and other Federal areas within the State. Such being true the transportation, delivery and possession of this truck load of liquor into and within the Military Reservation would have constituted a violation of the Federal statutes, even if perhaps technically evading the provisions of the Act of Congress (10 U. S. C. A., § 1350), quoted in the petition (page 6), prohibiting the sale of or dealing in beer, wine or any intoxicating liquor upon any premises used for military purposes by the United States.

In discussing the Assimilative Crimes Act, and the State statutes affected by it, the Circuit Court (R. 46) held that

Chapter 16, Session Laws 1939 (37 O. S. 1941, §§ 41-48), would have no application to the Reservation for the reason that said act pertains to the importation of liquor under permit, that there was no provision by which a permit could be obtained for importation into the Reservation, and that since there was no way to obtain a permit one importing such liquor into the Reservation should not be held criminally responsible for the lack of such permit. By the provisions of said act, however, the importation and transportation of intoxicating liquors into the State are absolutely prohibited, except that, as we have heretofore stated in the petition, wine might be imported under permit for sacramental purposes by religious organizations, and alcohol might be brought in under permit by certain persons and institutions for specified purposes. No persons or organizations could obtain permits for the importation or transportation of the liquors involved in this case, either into the State or into the Reservation. As to such liquors the 1939 act is strictly prohibitory and penal.

The respondent herein, plaintiff in the District Court, is not entitled to injunctive relief through a court of equity. This shipment of liquor was consigned to the F. A. S. Officers' Club, Fort Sill, which had not ordered the liquor, had no interest in it, and constituted, in so far as the facts appear, a wholly fictitious consignee. The officers who had originally signed orders for the liquor have made no claim or asked for any relief. Where they may now be this record does not show. The M. B. Gintz Company, who appears on the bill of lading as the shipper, has made no claim. In the brief filed in the Circuit Court of Appeals on behalf of respondent, in order to avoid the provisions of 10 U. S. C. A.,

§ 1350, *supra*, it was stated that this sale had been consummated in East St. Louis, and the Circuit Court of Appeals so found in its opinion (R. 46). If that be true, the shipper has no further interest in the liquor. No one is claiming the liquor except the respondent, which is the carrier and desires the liquor only for the purpose of unlawful transportation and delivery. It would hardly seem that under all the circumstances in this case the respondent is entitled to ask the aid of a Federal court of equity to interfere by injunction with the operation of State laws, and to aid respondent in the possession, transportation and delivery of this shipment of intoxicating liquor in violation of the law of the State and the policy and laws of the Federal government.

For these reasons it is respectfully submitted that this petition should be granted.

Respectfully submitted,

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October, 1943.

APPENDIX

Section 1, Chapter 16, Oklahoma Session Laws 1939:

"It shall be unlawful for any person, individual or corporation to import, bring, transport, or cause to be brought or transported into the State of Oklahoma, any intoxicating liquor, as defined by the laws of this state, containing more than four (4%) per cent of alcohol by volume, without a permit first secured therefor as hereinafter provided."

Section 2, Chapter 16, Oklahoma Session Laws 1939:

"Permits may be issued, as in this act provided, for such importation and transportation of alcohol for scientific or mechanical purposes by and to such scientific institutions, universities and colleges as are authorized to secure the same free of tax under the laws of the United States, and alcohol by and to hospitals and sanitariums for medicinal use in such hospitals and santariums, and for the importation and transportation of alcohol to and by any apothecary, druggist, pharmacist, or manufacturing agency, who shall need same for such purpose and, who shall have executed a bond to the State of Oklahoma, approved by the Tax Commission of the State of Oklahoma, in the sum of not less than one thousand ($1,000.00) dollars, conditioned that none of said alcohol shall be used or disposed of for any purpose other than in the compounding of prescriptions or other medicines, or in such manufacturing business, the sale of which prescriptions, medicines, or manufactured products would not subject him or it to the payment of the special tax required of liquor dealers by the United States. Permits may also be issued for the importation and transportation, or causing to be imported or transported into this state, of wine for sacramental purposes. No permit shall be issued to any person, or for any purpose, or for the importation of any intoxicating liquor, except as specifically authorized under this section."

"Whoever, within the territorial limits of any State, organized Territory, or district, but within or upon any of the places now existing or hereafter reserved or acquired, described in section 451 of this title, shall do or omit the doing of any act or thing which is not made penal by any laws of Congress, but which is committed or omitted within the jurisdiction of the State, Territory, or district in which such place is situated, by the laws thereof in force on February 1, 1940, and remaining in force at the time of the doing or omitting the doing of such act or thing, would be penal, shall be deemed guilty of a like offense and be subject to a like punishment. Mar. 4, 1909, c. 321, § 289, 35 Stat. 1145, as amended June 15, 1933, c. 85, 48 Stat. 152; June 20, 1935, c. 284, 49 Stat. 394; June 6, 1940, c. 242, 54 Stat. 234."